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March 14, 2005

BY ELECTRONIC FILING

The Honorable Kent A. Jordan
United States District Court
844 North King Street, Room 4209
Wilmington, DE 19801

RE: Eames v. Nationwide Mut. Ins. Co.
C.A. No.: 04-CV-1324KAJ

Dear Judge Jordan:

On October 20, 2004 the Eames plaintiffs filed their Motion to Defer Nationwide's Pending Motion to Dismiss. In the twenty weeks since, Nationwide has filed no opposition to the motion. It is therefore unopposed, and ripe for decision.

An appropriate form of Order was submitted with the motion; for the Court's convenience, an updated copy (showing a 2005 date blank) is attached to this letter.

I am available to address any questions regarding the subject motion.

Respectfully,

/s/ John S. Spadaro

John S. Spadaro

JSS/slr
enclos.

cc. Dr. Peter T. Dalleo (by hand delivery)
Nicholas E. Skiles, Esq. (by electronic filing)
Curtis P. Cheyney, III, Esq. (by electronic filing)

**IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE**

THOMAS A. EAMES, ROBERTA L. EAMES)	
and TAMMY EAMES, on behalf of)	
themselves and all others)	
similarly situated,)	
)	
Plaintiffs,)	C.A. No. 04-CV-1324KAJ
)	
v.)	
)	
NATIONWIDE MUTUAL INSURANCE)	
COMPANY,)	
)	
Defendant.)	

**ORDER DEFERRING CONSIDERATION OF
NATIONWIDE'S MOTION TO DISMISS**

This ____ day of _____, 2005, the Court having considered the plaintiffs' motion to defer consideration of Nationwide's pending motion to dismiss, it is hereby ORDERED as follows:

1. Consideration of Nationwide's motion to dismiss shall be deferred pending disposition of the plaintiffs' Motion to Remand.
2. In the event the Motion to Remand is denied, plaintiffs shall serve and file their answering brief to Nationwide's motion within ten days of the Court's decision on the Motion to Remand.

United States District Judge

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IN AND FOR THE DISTRICT OF DELAWARE**

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and TAMMY EAMES, on behalf of)	
themselves and all others)	
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)	
Plaintiffs,)	C.A. No. 04-CV-1324KAJ
)	
v.)	
)	
NATIONWIDE MUTUAL INSURANCE)	
COMPANY,)	
)	
Defendant.)	

NOTICE OF SERVICE

I hereby certify that on this date, I electronically filed the forgoing document with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following:

Nicholas E. Skiles, Esq.
Swartz Campbell LLC
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/s/ John S. Spadaro
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Attorneys for plaintiffs
Thomas A. Eames, Roberta L. Eames and
Tammy Eames (on behalf of themselves and
all others similarly situated)

March 14, 2005